

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In The Matter Of:

EUGENE'S TRUCKING, INC.,

Respondent

**Docket No. FMCSA-2008-0181¹
(Southern Service Center)**

ORDER TERMINATING PROCEEDING AND CLOSING DOCKET

On July 10, 2006, the North Carolina Division Administrator of the Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim (NOC) against Eugene's Trucking, Inc. (Respondent). The NOC charged Respondent with four violations of 49 CFR 382.301(a), using a driver before the motor carrier has received a negative pre-employment controlled substances test result; and one violation of 49 CFR 395.8(k)(1), failing to preserve drivers' records of duty status for six months. The NOC proposed a civil penalty of \$8,310. On November 20, 2008, I issued an Order assigning this matter for binding arbitration.²

On July 19, 2010, the Field Administrator for the FMCSA's Southern Service Center (Claimant) submitted a Motion to Terminate Proceedings and Close Docket. Claimant and Respondent entered into a Settlement Agreement which resolves the matters at issue here. Under the Settlement Agreement, which was executed on July 12, 2010, and adopted as a Final Order,³ Respondent agreed to pay the negotiated penalty of \$5,000 in four consecutive monthly installments. Paragraph 5 of the agreement provides that failure to comply with the payment

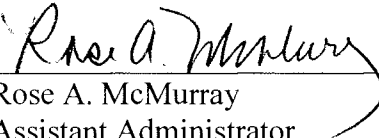
¹ The prior case number was NC-2006-0062-US0056.

² An arbitrator has not yet been selected.

³ Settlement Agreement, paragraph 7.

plan may result in the loss of any reduction in civil penalties asserted in the NOC. I conclude that the settlement is in the public interest and it is accepted.⁴

THEREFORE, *It Is Hereby Ordered*, the Settlement Agreement is the Final Order in this matter, the proceeding is terminated, and the docket is closed.


Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

7-27-10
Date

⁴ See 49 CFR 386.22(c).

CERTIFICATE OF SERVICE

This is to certify that on this 30 day of July, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Eugene Pearsall, President
Eugene's Trucking, Inc.
10422 Faison Highway
Faison, NC 28341

One Copy
U.S. Mail

Matthew J. Hardy, Esq.
Trial Attorney
Office of Chief Counsel (MC-CCE)
Federal Motor Carrier Safety Administration
1800 Century Boulevard, Suite 1700
Atlanta, GA 30045

One Copy
U.S. Mail

Darrell Ruban
Field Administrator
Federal Motor Carrier Safety Administration
1800 Century Boulevard, Suite 1700
Atlanta, GA 30045

One Copy
U.S. Mail

Christopher M. Hartley
North Carolina Division Administrator
Federal Motor Carrier Safety Administration
310 New Bern Avenue, Suite 468
Raleigh, NC 27601

One Copy
U.S. Mail

Docket Operations
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W12-140
Washington, DC 20590

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